



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS TX 75202-2733

FEB 07 2013

**CERTIFIED MAIL: RETURN RECEIPT REQUESTED #7011 3500 0000 0359 5856**  
**GENERAL NOTICE LETTER, URGENT LEGAL MATTER - PROMPT REPLY NECESSARY**

Richard Jaross, President  
Resolve/ESCO Marine  
16200 Joe Garza Sr. Road  
Brownsville, Texas 78521



Ref: U.S. Oil Recovery Superfund Site, Pasadena, Harris County, Texas

Dear Sir:

The purpose of this letter is to notify you of Resolve/ESCO Marine's potential liability at the U.S. Oil Recovery (USOR) Superfund Site ("the Site.") Currently there is an ongoing removal action designed to stabilize the Site, remove the immediate threat posed at the Site and set the stage for a later, more comprehensive response action.

The USOR Superfund Site is located on two parcels of land -- one located at 400 North Richey Street and one at 200 North Richey Street, in Pasadena, Harris County, Texas. The Site includes a warehouse, retention pond and several containment areas throughout, as well as above ground storage tanks, totes, drums, roll-off containers, secondary containment area, including an office area and a building that houses boxes of records. U.S. Oil Recovery LLP and/or MCC Recycling LLP received municipal and industrial Class I and Class II wastewater, characteristically hazardous waste, used oil and oily sludges, and municipal solid waste. The MCC property, located at 200 North Richey Street, and which is also a part of the Site, is bordered by commercial businesses on each side and is split into two sections by Vince Bayou.

A Superfund Site is a place that is contaminated with hazardous substances at levels that may present a threat to human health or the environment. Under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health and welfare or the environment. PRPs include current and former owners and operators of the Site, as well as persons who sent or transported hazardous substances to the Site for disposal or treatment, or who arranged for the disposal or treatment of hazardous substances at the Site.

Based on the information collected, the EPA believes that Resolve ESCO/Marine may be liable under Section 107(a) of CERCLA with respect to the Site as a person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person. Enclosure A explains the General Notice and Removal Action, and offers you the opportunity to enter into the August 25, 2011, Administrative Order on Consent (AOC) as a Settling Party concerning the cleanup of the Site. Enclosure B explains the basis for the EPA's determination that Resolve/ESCO Marine is a PRP. Also included in this letter as Enclosure C is the Small Business Resource Fact Sheet. Enclosure D is the AOC and the Statement of Work (SOW). (ALL ENCLOSURES ARE CONTAINED ON THE ENCLOSED CD)

The EPA invites you to participate in the performance of the on-going work under the AOC. You should contact Mr. Randy Smith at 603-673-0004, who is leading the PRP Steering Committee for the PRPs.

Upon reviewing the enclosed Notice (Enclosure A), please provide a written response to Ms. Cynthia Brown, Removal Enforcement Coordinator, at 214-665-7480 within **30 days** after receipt of this letter to let her know whether you will enter into the AOC that addresses the current response at the Site.

If you have questions regarding the notice or any of the other documentation included, please contact Ms. Brown at 214-665-7480, or at [brown.cynthia@epa.gov](mailto:brown.cynthia@epa.gov). Questions concerning legal matters should be directed to EPA attorney Mr. Edwin Quinones at 214-665-8035, or [quinones.edwin@epa.gov](mailto:quinones.edwin@epa.gov). Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Carl Edlund, Acting".

Carl Edlund, P.E.  
Director  
Superfund Division

Enclosures (4)